

# COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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## COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

### NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners that it intends to amend Chapter 360-2, entitled "Licensing Requirements," by amending rule 360-2-.05, entitled "Renewal. Amended." An exact copy of the proposed amendments are attached to this Notice.

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than July 26, 2006 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [matkinson@dch.state.ga.us](mailto:matkinson@dch.state.ga.us).

A public hearing is scheduled to begin at 9:30 a.m. on August 4, 2006 at the 36<sup>th</sup> Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on April 7, 2006 and intends to adopt the attached rules at its meeting on August 4, 2006, after the conclusion of the public hearing, at the Board Room, for the Composite State Board of Medical Examiners, 36<sup>th</sup> Floor, No. 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. § 43-34-24(c), 43-34-24.1, 43-1-19, 43-1-25, 43-1-31 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: 6/28/06  
Signed: [Signature]  
LaSharn Hughes  
Executive Director  
Composite State Board of Medical Examiners

ECONOMIC IMPACT AND SYNOPSIS FOR  
AMENDMENT TO CHAPTER 360-2  
LICENSING REQUIREMENTS

ECONOMIC IMPACT:

The attached rule is promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates six professions, including physicians. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee. Additionally, it is not legal or feasible to meet the objectives of the Medical Practice Act to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-2-.05  
Renewal. Amended.

Purpose

The purpose of the proposed amendment paragraph (3) is to reflect the new birth month renewal procedures in the provision regarding the penalty period for license renewal. The purpose of the proposed amendment is to reflect the requirements provided in O.C.G.A. § 43-1-31, which provides a six-month grace period in which a service member may renew his/her license if the license expired while the service member was on active duty outside of the State of Georgia.

Main Features:

The amendment to paragraph (3) of the rule deletes the reference to the prior December 31<sup>st</sup> license expiration date so that the rule reflects only the new birth month renewal procedures. The amendment to paragraph (5) provides a six-month grace period in which a service member may renew his/her licenses to practice medicine if the license expired while the service member is on active duty outside of the State. The current paragraph (5) is renumbered as paragraph (6).

**The differences between the existing rule and the proposed amendment to the rule are shown below. The underlined text is proposed to be added and lined-through text is proposed to be deleted.**

RULES  
OF  
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
  
CHAPTER 360-2  
LICENSING REQUIREMENTS

**360-2-.05 Renewal. Amended.**

**360-2-.05 Renewal. Amended.**

(1) Each licensee shall notify the Board within thirty (30) days, in writing, of all changes of address. Any mailing or notice from the Board shall be considered to be served on the licensee when sent to the licensee's last address on file with the Board.

(2) All active licenses must be renewed every two years. Licenses will expire on December 31 of odd numbered years. A renewal application must be completed and returned to the Board with the renewal fee before the December 31 expiration date to avoid the penalty fee for late renewal. This may be done via the internet or through mail. A medical licensee may not practice medicine after the expiration date of the license. Applicants who are approved for renewal of their medical licenses that expire on December 31, 2005 will be issued a license that will be set to expire between January 31, 2007 and December 31, 2007. The license will expire on the last day of the month in which the applicant's birthday falls. The application fee will be prorated, in accordance with a fee schedule established by the Board, for those whose licenses are renewed for less than a two-year period during the 2006-2007 biennium. Continuing education requirements will be waived for the 2006-2007 biennium. Thereafter, each succeeding license must be renewed biennially by the last day of the month in which the applicant's birthday falls and the licensee must establish satisfaction of Board-approved continuing education requirements to be eligible for renewal.

(3) Licensees have the right to obtain a late renewal of their licenses during the three (3) month period immediately following the ~~December 31~~ expiration date. During this period, the penalty for late renewal applies.

(4) The Board shall administratively revoke any license not renewed prior to the expiration of the late renewal period. Such revocation removes all rights and privileges to practice medicine and surgery in this State. A practitioner who is so revoked must apply for licensure to be considered for reinstatement. Revocation for failure to renew may be reported to the public and to other state licensing boards, and will be reported as a revocation for failure to renew. Revocation for failure to renew is not considered a disciplinary revocation. However, the license may only be reinstated through application.

(5) Notwithstanding the provisions of paragraph (4) of this rule, any service member as defined in O.C.G.A. § 15-12-1 whose license to practice medicine expired while on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

~~(5)~~ (6) The fee for renewals and late renewals shall be designated in the fee schedule.

Authority O.C.G.A. Secs. 43-1-4, 43-1-7, 43-1-19, 43-1-25, 43-1-31, 43-34-3, 43-34-24, 43-34-24.1, 43-34-32, 43-34-37.